

ASSEMBLY BILL

No. 444

Introduced by Assembly Member Lowenthal

February 19, 2013

An act to amend Sections 21953, 21954, and 21955 of the Vehicle Code, relating to pedestrians.

LEGISLATIVE COUNSEL'S DIGEST

AB 444, as introduced, Lowenthal. Pedestrians: highway workers.

Existing law requires that a pedestrian upon a roadway yield the right-of-way to all vehicles upon the roadway so near as to constitute an immediate hazard, unless the pedestrian is within a crosswalk, pedestrian tunnel, or overhead crossing, and prohibits a pedestrian from crossing the roadway at any place except in a crosswalk, as specified.

This bill would exempt a highway worker, as defined, from these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21953 of the Vehicle Code is amended
- 2 to read:
- 3 21953. (a) Whenever any pedestrian crosses a roadway other
- 4 than by means of a pedestrian tunnel or overhead pedestrian
- 5 crossing, if a pedestrian tunnel or overhead crossing serves the
- 6 place where the pedestrian is crossing the roadway, ~~such~~ *the*
- 7 pedestrian shall yield the right-of-way to all vehicles on the
- 8 highway so near as to constitute an immediate hazard.

(b) *This section shall not apply to a highway worker. For purposes of this section, “highway worker” means an employee of the Department of Transportation, a contractor or employee of a contractor working under contract with the Department of Transportation, an employee of a city, county, or city and county, a contractor or employee of a contractor while working under contract with a city, county, or city and county, or a volunteer as defined in Section 1720.4 of the Labor Code who does one or more of the following:*

(1) *Performs maintenance, repair, or construction of state highway or local street or road infrastructures and associated rights-of-way in highway or local street or road work zones.*

(2) *Operates equipment on state highway or local street or road infrastructures and associated rights-of-way in highway or local street or road work zones.*

(3) *Performs any related maintenance work, as required, on state highway or local street or road infrastructures in highway or local street or road work zones.*

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(c) *This section shall not be construed to mean that a marked crosswalk, with or without a signal device, cannot be installed where a pedestrian tunnel or overhead crossing exists.*

SEC. 2. Section 21954 of the Vehicle Code is amended to read:
21954. (a) Every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway so near as to constitute an immediate hazard.

(b) The provisions of this section shall not relieve the driver of a vehicle from the duty to exercise due care for the safety of any pedestrian upon a roadway.

(c) *Subdivision (a) shall not apply to a highway worker as defined in Section 21953.*

SEC. 3. Section 21955 of the Vehicle Code is amended to read:
21955. (a) Between adjacent intersections controlled by traffic control signal devices or by police officers, pedestrians shall not cross the roadway at any place except in a crosswalk.

(b) *This section shall not apply to a highway worker as defined in Section 21953.*

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